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OFFICE OF PETITIONS

In re Application of :
Gray et al. : DECISION DISMISSING
Application No. 08/487,701 : PETITION
Filed: 7 June, 1995 :
Atty's Docket No. 028723-020 :

This is a decision on the petition filed under 37 CFR 1.182 on 13 February, 2001, requesting that a terminal disclaimer filed in the above-identified application be withdrawn. The Office apologizes for the delay in responding to the present petition.

The petition is dismissed.

The present petition requests that a terminal disclaimer filed on 6 August, 1999 be withdrawn.

Upon review of the basis for obviousness-type double patenting which was previously overcome with a Terminal Disclaimer in the present application to disclaim U.S. Patent No. 5,447,841; the Examiner has set the following determination forth. Even though claim amending has occurred in the present application; said amending has not sufficiently distinguished many of the claims in the present application from those in U.S. Patent No. 5,447,841 to nullify or remove the requirement for the Terminal Disclaimer which previously disclaimed Patent No. 5,447,841. If said Terminal Disclaimer were to be withdrawn, it would be deemed necessary to reopen prosecution to re-apply an obviousness-type double patenting rejection against at least claim 48 and others in the present application; based on U.S. Patent No. 5,447,841.

For the reasons stated above, withdrawal or nullification of the Terminal Disclaimer is not appropriate, and the petition is **DISMISSED**.

The application file is being forwarded to Technology Center 1600 for further processing.

Application No. 08/487,701

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Telephone inquiries should be directed to the undersigned at
703.308.6918.

A handwritten signature in cursive script, appearing to read "D. Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions